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FCC - MAILROOM

ROSS S. BLUST, Ed.D.
SUPERINTENDENT

July 7, 2003

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

RE: Letter of Appeal
CC Docket 96045 and 97-21

471 Application Number: 384741

To Whom It May Concern:

I am writing to formally appeal the decision from USAC in regards to Upper Adams School District's appeal of a Year 6 denial.

The District received its Year 6 Funding Commitment Decision Letter which stated that "The FCC Form 471 submitted did not include all pages, Blocks 1-6". Specifically, the SLD stated that the first page of the application was omitted.

The District appealed this decision to the SLD showing that indeed, the District DID submit the complete application, including the first page of the application, to the SLD. The SLD then issued a denial of the appeal, stating:

"According to the Indiana Intelenet Decision, if the applicant is unable to provide solid proof that all "items" were included in the package as they have claimed, the SLD should not accept their proof of mailing and use only the information SLD has record of."

The District has no way of proving to the SLD or the FCC that all pages were submitted with the original application. Short of having the package notarized before mailing, we believe it is an impossible test to require us to prove that the cover page was included.

While we understand the FCC's requirement of minimum processing standards, we believe they were instituted to restrict applicants from simply completing one or two pages of an application, and leaving the data-entry staff to spend days contacting applicants trying to complete their applications for them. Our situation certainly is not that situation. We submitted the entire application, including the cover page, in a timely manner and firmly believe that the administrative staff in the SLD's Kansas facility misplaced the first page upon opening of the package or processing of the application.

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"A Unified Community of Lifelong Learning"

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There have been several situations in the past where the Kansas contractors have misplaced applications and portions of applications, with the Year 4, Funding Year 2001, Pink Postcard issue as the best example. In Pennsylvania alone, dozens of applicants received postcards stating that their applications were being rejected because their applications were incomplete. In reality, the SLD admitted that Kansas was misplacing and/or discarding pages of applications that appeared in the same mailing packets.

In those cases, as in our case, there is no way for us to prove that the page was included. But common sense tells you that the first and easiest page of an E-rate application would not be omitted from submission.

Further, we know the FCC has directed the SLD to, in some cases, derive information from other portions of the application. Even if the page was misplaced by operators in Kansas, it would have been very easy for the SLD to take the entity name, entity number, and contact information listed at the top of each subsequent page to derive the necessary information for the first page, or to contact the District and ask for the first page to be faxed. Instead of taking this simple step, they chose to deny the application, and leave us with absolutely NO possible way to prove our case.

We stand in utter amazement that the benefit of the doubt rests with the SLD's contractors in Kansas who have had a reputation of misplacing pages of applications. We respectfully urge the Commission to reconsider the SLD's denial and grant us status within the window. We believe the Telecommunications Act of 96, and the original Order in 1997 intended the E-rate discounts to be entitlements, not a program of gotcha's. By letting the SLD's denial stand, the FCC will be sending a message to the Kansas operators that it is OK to misplace pages, as the applicant will never be able to prove otherwise.

If you need to speak to a representative of Upper Adams School District regarding this matter please don't hesitate to contact me.

I look forward to hearing from you.

Respectfully,



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Enclosures